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ABSTRACT

This paper describes an outreach support system for children charged with offense who were at risk of detention between the time of arraignment and the time of hearing. Called the Detention Avoidance Program, it features a link betwen the court and the juvenile and his family, employing crisis intervention techniques to maintain the child in the community. The study analyzes the differences in family background and family interaction patterns between the recividists and non-recividists in the Program. The pattern of variables that distinguished the recidivist-prone offender from the not-yet recidivist suggested that these individuals manifested greater emotional disturbance, characterized especially by impulse disorders; in addition, they had greater educational handicaps as characterized by non-attendance, poor performance, and early school drop-out rates. The current educational deficits also presage subsequent occupational difficulties. (Author)

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A FAMILY ORIENTED ALTERNATIVE to PRE-TRIAL DETENTION of JUVENILES

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Introduction

This paper will describe a juvenile court related program which attempted to effect change in pre-trial detention practices. Characteristics distinguishing repeating offenders in the program from non-repeaters will be discussed.

Detention of juvenile offenders between arraignment and trial has emerged as a highly controversial practice. Considerable evidence exists that detention is often misused, overused, and stigmatizing resulting in deleterious effects that impede subsequent rehabilitation efforts. Sarri (1976), based on a national survey of detention facilities, observed, "Detention is a significant phase in the juvenile justice process because it constitutes the initial critical contact with the system for youth. The detention process itself, however, has been largely ignored ...(F)ew people are aware of the overwhelmingly negative results of most juveniles' experiences with detention." She concluded that while a small number of detenton facilities appeared to offer satisfying programs, most had little to offer. Detention staff viewed a large proportion

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of the adolescents in detention as emotionally disturbed or as exhibiting disordered behavior to some degree; circumstances with which they were not equipped to handle.

A cautious approach is expressed by a juvenile court judge in the Handbook for New Juvenile Court Judges (1972):

> "The indiscriminate use of detention...is at best extremely disruptive to the child's emotional security....The juvenile court has the sole responsibility for admission and release of these children and, therefore, should exercise caution and (pay) close attention to this particular process. Abdicating this authority to police officers, parents, educators, or even detention personnel is inexcusable and will lead to the abuse of personal freedom guaranteed the child and parents, plus other detrimental experiences that could be avoided." (Garff, R., p.21.)

The Detention Avoidance Program

In a break with tradition, the judges of a juvenile court in a large Eastern city agreed to permit a formal, court-supported, community-based program that provided the court with an alternative procedure for dealing with high risk offenders at the pre-trial stage.

The purpose of the Detention Avoidance Program (DAP) was to develop a viable support system for children charged with offenses, but not yet tried, who were at risk of pre-hearing detention. Those at risk after arraignment may represent a broad range of cases. They may be those whom the judge considers such a danger to themselves or to society that it is

believed that they require strict security. Detention may be the determination if it is believed by the judge that the youngster will run away or otherwise not be available on the scheduled date of hearing. Detention may also be used where the home enviornment is so deteriorated or the family is so fragmented that the child is removed for his own welfare. About one-half of youngsters arraigned in the jurisdiction of this court were sent to detention.

The DAP program was directed by a psychiatric social worker, and consisted of a staff of psychiatric social workers supervised by the regional forensic director. The plan for the structure of the program was that it would link with the juvenile court and be available for referral of cases from the judge in those situations where, at the time of arraignment, detention was a serious consideration. Ycungsters who would be returned home to await hearing under any circumstances were not eligible for the program. At the other end of the spectrum, those youngsters who had committed extremely serious offenses, and whom the judge felt were a serious threat to the community and in need of strict security would not be eligible.

The most important feature of this program was that the contacts and involvement with the juvenile and his family were to be centered in the home and neighborhood. Therefore, every

effort was made to organize the program to encourage this outreach, and to avoid any tendency to revert to the more traditional approach of scheduling meetings in the office of the worker where the youngster, with or without members of his family, had to interact across a desk.

In order to structure this approach at its inception, there was little emphasis on office space for staff. At first, offices and telephones in the courthouse were borrowed on an ad hoc basis for the initial contact after the judge's referral or to make a phone call or write a report. These conditions were somewhat too fragmented for an effective continuing operation, but the point was clearly made that there were not to be "clinic offices" for "therapeutic sessions." Suitable space for secretarial staff and room for workers to make arrangements with court, juveniles, and their families, as well as for staff meetings became available within a couple of months after the program was initiated.

The program functioned in a non-traditional psychiatric social work model. The typical relationship between a psychiatrist and social worker was not maintained, where the social worker would be likely to involve the family and the psychiatrist would treat the "patient." There was a need for intensive casework service in many of these cases, and it was

met by addressing the needs of the entire family. It has been learned through this program that most of these families have been known to a variety of social agencies, and public and private mental health and educational agencies. Gaps in delivery of services were very often revealed through the intervention of the DAP worker. It has been possible to bridge these service needs, aided by the integration of this program with the court. It has been a bridge across human service delivery systems that have typically followed separate tracks; one through the juvenile justice system, and the other through the mental health system. Traditionally, the delinquency appelation tended to exclude the juvenile from access to the mental health system, even when mental health needs were identified.

The thrust of the program was to provide immediate and intensive support when the juvenile was arraigned. The case was picked up at the court by one member of the program, who served as court liaison on a rotating basis. The initial interview occurred at the court, and the case was assigned to a specific worker. Clients and their families were visited at their home. This was done on an intensive short-term basis. The average length of time between arraignment and hearing was one week, but could be up to two weeks. Home visits occurred on a daily basis from the time of arraignment to the date of the scheduled hearing. If there was a continuance or postpone-

ment, the worker would maintain contact with the youngster and his family. The intensive crisis intervention contact terminated with adjudication and disposition, but periodic contact was maintained during a follow-up period that extended for three months.

The opportunity to avoid detention at this initial stage of the proceeding has many advantages. These include the avoidance of further confirmation of delinquency labeling through a procedure which appears to emphasize the youth's "badness," and need for institutionalization. Another effect to be avoided, if possible, is the exposure to a more intense delinquency learning experience and often educating for more serious and persistent delinquent behavior. As one detained boy, who was incarcerated for the first time and came from a rural community stated, "These guys are professionals, the kids I know are only amateurs."

Another disadvantage of detention practice is that it is disruptive upon youngsters who are removed from their home for a short period of time, especially where it has been demonstrated that most of these youngsters return to the community following court hearings, adjudication and disposition. An earlier survey of one urban court (Lelos, 1972) revealed that only 8% of detained youngsters were subsequently committed

to an institution at disposition. Feelings of abandonment and rejection by family and community may be averted by maintenance of the boy or girl in his community. Having the child at home during this period also offers the opportunity to identify and assess the child's strengths, weaknesses, and needs, particularly in the context of his family and while he continues in school. Written recommendations made to the court in its planning for disposition, referral, or continuation of service through the court (such as court clinic or probation) should have more meaning, since the observations are in situ rather than observation in an artificial environment, such as the worker's office or the detention center. Inferences that are drawn from the natural environment of the child should be drawn with greater confidence.

In addition to the direct services, the out-reach of the DAP service into the community provides the opportunity to engage community agencies, and to help coordinate and develop with them a resource or potential resource for the juvenile clients and their families.

Another important aspect of the work of the DAP has been the establishment of a working relationship in the court, thus providing an interdisciplinary posture in relating to court personnel including, judges, probation officers, attorneys,

court clinic staff and personnel in other programs affiliated with the juvenile court.

Repeaters, Non-repeaters and their Families

The youngsters assigned to DAP provided the vehicle to focus on some of the family characteristics which might distinguish juveniles identified as offense repeaters from the non-repeaters.

For the purpose of this study, a return to court within three months and charged with a new offense constituted the definition of recidivist-prone offender or repeater.

The data were obtained from the youngster and his family by means of direct observations in the home and in the community during the period between arraignment and hearing, averaging eight days. Each worker completed a standardized home visit form with objective data obtained from the most reliable sources, such as probation records as well as court records. In addition, impressionistic data were scored by the worker on Likert type scales.

Subjects

One hundred and thirty-three cases were examined, representing cases referred to DAP during its first year of operation. These cases included 99 males and 34 females, ranging in age from 10 to 17, with a mean age of 14.7 years. Eight of the

youngsters were subsequently committed.

Eight percent of the cases were dismissed, and the remainder were equally divided between placement of probation or a continuance without a finding. A continuance would leave open the possibility for a later dismissal if there were no further behavioral problems which led to the court's intervention.

There were two cases in which the youngster did not return to the court for the scheduled hearing.

Among those who were referred to DAP, there was a recidivism rate of 32% by the time of follow-up; three months after the time of arraignment and referral.

Results

The repeaters and non-repeaters were not differentiated on the basis of sex, age or physical health. There were also no differences by type of severity of offenses (see Table I).

The majority of the offenders were before the court on charges of property offenses, followed in frequency by person or victim offenses, and finally, victimless offenses.

A distribution of the offenders' prior offenses revealed the same pattern of offense type. Similarly, those offenders who did recidivate tended to commit the same pattern of offenses (i.e., property, victim or victimless). One factor which further

distinguished the two groups was the significantly greater number of prior offenses committed by the repeaters.

The repeaters differed on a number of psychosocial dimensions compared to those who had not recidivated within the time frame of the study.

A pattern of early and chronic disruptive school behavior and poor attendance characterized the repeater group with significantly more truancy and school misbehavior among the repeaters. Neither enrollment in a special class nor the highest grade completed separated the two groups.

Mothers of repeaters were rated as more emotionally unstable than the mothers of non-repeaters. In contrast, the emotional stability of the fathers was not distinguishable. This difference in the parents' rating may be biased since only 60 or 45% of the fathers were available for interview. Moreover, the repeaters were, themselves, rated as reflecting significantly more emotional disturbance. This finding is partially supported by the fact that significantly more repeaters had a history of previous mental health treatment.

In discussing their children with the social workers, the mothers of repeaters used more critical and rejecting terms to describe their children. In particular, mothers of repeaters tended to be more disparaging, negative, and rejecting of

their child's home behavior. For example, the repeaters' mothers focused on the bad behavior of the child; such as staying out to excessively late hours, stealing, fighting with other members of the family, and coming home drunk in confirming the reason for negative feelings toward their children. This type of offender is also reported by the parents to be engaged in community activities unacceptable to the parent; such as gambling, playing pool, drinking in isolated areas of the city, and participating in gang fights. The repeaters had a significantly greater amount of drug involvement.

In turn, the repeaters tended to describe their parents more negatively. The repeaters and non-repeaters, however, did not differ significantly in their ratings of their own peers.

Social workers summarized their interviews by rating the offenders' parents on a scale relating to the openness and accuracy of communication. Significantly more parents of repeaters were rated by social workers as excessively guarded, and as distorting or omitting relevant information (e.g., many of these parents tended to deny or de-emphasize their child's prior delinquency records and tended to perceive the child's problems as originating outside of the home).

Discussion

The results of the study examining youngsters referred to DAP indicated that some commonly held assumptions about delinquents and their families were supported while others remain unverified.

The pattern of variables that distinguished the recidivist-prone offender from the not-yet recidivist suggested that these individuals manifested greater emotional disturbance, characterized especially by impulse disorders; in addition, they had greater educational handicaps as characterized by non-attendance, poor performance, and early school drop-out rates. The current educational deficits also presage subsequent occupational difficulties.

These offense-prone juveniles came from environments where the attitudes and feelings of parents toward their children were openly hostile, antagonistic, and rejecting. A similar attitude was simultaneously expressed by the juvenile towards his parents. These attitudes and feelings did not appear to be acute or of short duration in reaction to the latest offense, but rather appeared to represent a well established condition that had become a style of family interaction. Moreover, the communication pattern among family members was rated as secretive, distorting,and often hostile. This family climate might well result in a feeling of alienation in the juvenile that

provides a background and rationale for continuing his anti-social behavior. The lack of a stable, nurturant family setting, combined with faulty communication patterns, would appear to be excellent predictors of a juvenile's long term involvement in delinquent behavior.

TABLE I

COMPARISON of REPEATERS and NON-REPEATERS

Family		
1.	No. of male siblings	*
2.	No. of female siblings	NS
3.	Relationships with siblings	NS
4.	Relationships with parents	**
5.	Home behavior	***
6.	Mother's physical health	NS
7.	Father's physical health	NS
8.	Parent's openness in communication	*
9.	Parent's marital status	NS
Mental Health		
1.	Mother's emotional make-up	**
2.	Father's emotional make-up	NS
3.	Mother's intellectual level	NS
4.	Father's intellectual level	NS
5.	Offender's mental functioning	*
6.	Previous mental health treatment	*
Social Factors		
1.	Community behavior of offender	***
2.	Drug involvement	**

Educational Factors

1.	Attending school	*
2.	School behavior	*
3.	Highest grade completed	NS
4.	High School standing	NS
5.	Enrolled in special educational class	NS

Delinquency Factor

1.	Number of prior offenses	**
2.	Type of offense committed	NS
3.	Severity of subsequent offense	NS

* $P < .05$

** $P < .01$

*** $P < .001$

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